



S/N 10/671,407

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Cary L. Bates, et al. Examiner: Steven B Theriault
Serial No.: 10/671,407 Group Art Unit: 2179
Filed: September 25, 2003 Confirmation Number: 8399
Title: Reciprocal Link Tracking Docket: ROC920030265US1

APPEAL BRIEF
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This brief is presented in support of the Notice of Appeal filed on October 9, 2007, from the Final Rejection of claims 1-3, 6-9, and 11-20 of the above-identified application, as set forth in the Final Office Action mailed on July 9, 2007.

Please charge \$510.00 to Deposit Account 09-0465 to cover the fee for filing an appeal brief. Please charge any additional fees or credit overpayment to Deposit Account 09-0465. Appellant respectfully requests reversal of the Examiner's rejection of pending claims 1-3, 6-9, and 11-20.

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1. Real Party in Interest

The real party in interest, in addition to the inventors, Cary L. Bates and Paul W. Buenger, is the assignee, International Business Machines Corporation, a corporation organized and existing under and by virtue of the laws of the State of New York, and having an office and place of business at New Orchard Road, Armonk, New York 10504.

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2. Related Appeals and Interferences

There are no other prior or pending appeals, interferences, or judicial proceedings, which may be related to, directly affect or be directly affected by, or have a bearing on the Board's decision.

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3. Status of Claims

On October 9, 2007, appellant appealed from the final rejection of claims 1-3, 6-9, and 11-20 made in the Final Office Action dated July 9, 2007. Finally rejected claims 1-3, 6-9, and 11-20 on appeal are set forth in the Claims Appendix. Claims 4-5 and 10 were canceled without prejudice or disclaimer.

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4. Status of Amendments

Subsequent to the Final Office Action, appellant did not file any amendments.

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5. Summary of Claimed Subject Matter

As described at page 2, last partial paragraph, lines 20-25 of appellant's specification; at page 3, first partial paragraph, line 1 of appellant's specification; in Fig. 6, elements 605, 615, 625, 630, and 635; and in Fig. 7, elements 715, 720, and 735, a method, apparatus, system, and signal-bearing medium are provided that in an embodiment verify that if a selected first link in a first page points to a reciprocal site, then a reciprocal link in a reciprocal page points back to the first page. The verification is performed by finding the reciprocal page and searching it for the reciprocal link. If the reciprocal link does not exist, then in various embodiments, the first link is removed or is removed after a time period has elapsed or a number of times has been exceeded, or a user is warned of the lack of the reciprocal link.

With reference to claim 1, an embodiment of the invention comprises a method, which is described, for example, at page 2, last partial paragraph, line 20 of appellant's specification, in Fig. 5, elements 505, 510, 515, 520, and 525; in Fig. 6, elements 605, 610, 615, 625, 630, 635, and 640; and in Fig. 7, elements 710, 715, 720, and 725.

The method of claim 1 comprises:

receiving an edit reciprocal link option and a selected section of a first page from a user interface, which is described, for example, in the specification at page 6, last full paragraph, lines 21-27, at page 7, first full paragraph, lines 1-11, at page 10, last partial paragraph, lines 17-27, at page 11, last partial paragraph, lines 23-28, at page 12, first partial paragraph and last full paragraph, lines 1-4 and 21-28, at Fig. 2A, elements 214 and 220, at Fig. 3, elements 300, 315, and 320, and at Fig. 5, elements 505 and 510;

adding at least one reciprocal tag to the first page based on the edit reciprocal link option and the selected section of the first page, wherein a first link to a reciprocal site is in the selected section, and wherein the at least one reciprocal tag identifies the selected section that includes the first link, which is described, for example, in the specification at page 10, last partial paragraph, lines 17-27, at page 11, second, third, and fourth full paragraphs, lines 6-22, at page 12, last full paragraph, lines 21-28, at page 13, first and second full paragraphs,

lines 1-14, at Fig. 2A, elements 130, 214 and 220, at Fig. 2B, elements 128, 130, 260-1, and 260-2, and at Fig. 5, elements 505, 510, 515, 520, and 525;

finding the at least one reciprocal tag in the first page, which is described, for example, in the specification at page 13, last partial paragraph, lines 22-27, at page 14, first partial paragraph, lines 1-2, and at Fig. 6, element 615;

finding a reciprocal page based on the at least one reciprocal tag, wherein the reciprocal page is at the reciprocal site, wherein the finding further comprises finding a record based on the reciprocal tag that identifies the reciprocal page, which is described, for example, in the specification at page 8, first full paragraph, lines 5-15, at page 11, last full paragraph, lines 19-22, at page 12, first and second full paragraphs, lines 1-13, at page 13, last partial paragraph, lines 22-27, at page 14, first partial paragraph, and first, second, and third full paragraphs, lines 1-15, at Fig. 1, elements 127, 160, and 162, at Fig. 2C, elements 162 and 164, at Fig. 4, elements 405, 410, 420, and 422, and at Fig. 6, elements 615, 625, 630, 635, 640, and 645;

determining whether a reciprocal link exists in the reciprocal page to the first page, which is described, for example, in the specification at page 13, last partial paragraph, lines 22-27, at page 14, first partial paragraph, first full paragraph, second full paragraph, and third full paragraph, lines 1-15, at Fig. 6, elements 625, 630, and 635; and

if the reciprocal link does not exist, determining an action based on a user-interface option, which is described, for example, in the specification at page 11, last partial paragraph, lines 23-28, at page 12, first partial paragraph, lines 1-4, at page 13, last partial paragraph, lines 22-27, at page 14, first partial paragraph, first full paragraph, second full paragraph, and third full paragraph, lines 1-15, at page 15, first, second, and third full paragraphs, lines 5-20, at Fig. 3, elements 300, 305, 310, and 315, at Fig. 6, elements 625, 630, 635, 640; and at Fig. 7, elements 710, 720, 725, 730, and 735.

With reference to claim 2, an embodiment of the invention comprises if the reciprocal link does not exist, issuing a warning, which is described, for example, in the specification at page 13, last partial paragraph, lines 22-27, at page 14, first partial paragraph, first full paragraph, second full paragraph, third full paragraph, fourth full paragraph, fifth full

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paragraph, and last partial paragraph, lines 1-27, at page 15, third full paragraph, lines 13-20, at Fig. 6, elements 625, 630, 635, 640; and at Fig. 7, elements 710, 730, and 735.

With reference to claim 3, an embodiment of the invention comprises if the reciprocal link does not exist, removing the first link from the first page, which is described, for example, in the specification at page 13, last partial paragraph, lines 22-27, at page 14, first partial paragraph, first full paragraph, second full paragraph, third full paragraph, last full paragraph, and last partial paragraph, lines 1-15 and 21-27, at page 15, first full paragraph, lines 5-9, at Fig. 6, elements 625, 630, 635, and 640; and at Fig. 7, elements 710 and 720.

With reference to claim 6, an embodiment of the invention comprises an apparatus having means plus function elements, the structures, materials, and acts for which are described, for example, at page 4, first full paragraph, second full paragraph, and last partial paragraph, lines 3-27, at page 5, first full paragraph and second full paragraph, lines 3-25, at page 6, first partial paragraph, lines 1-12, at page 7, last partial paragraph, lines 24-29, at page 8, first partial paragraph and first full paragraph, lines 1-15, at page 9, first full paragraph, second full paragraph, and last full paragraph, lines 9-27, at page 10, first full paragraph, lines 1-2, at Fig. 1, elements 102, 104, 110, 115, 125, 126, 127, 128, 130, 160, 162, and 164, at Fig. 2, elements 130, 214, and 220, at Fig. 2B, elements 128, 130, 260-1, and 260-2, at Fig. 2C, elements 162 and 164, at Fig. 5, elements 505, 510, 515, 520, and 525, at Fig. 6, elements 605, 610, 615, 625, 630, 635, and 640, and at Fig. 7, elements 705, 710, 715, 720, 725, 730, and 735.

The apparatus of claim 6 comprises:

means for receiving an edit reciprocal link option and a selected section of a first page from a user interface, which is described, for example, in the specification at page 6, last full paragraph, lines 21-27, at page 7, first full paragraph, lines 1-11, at page 10, last partial paragraph, lines 17-27, at page 11, last partial paragraph, lines 23-28, at page 12, first partial paragraph and last full paragraph, lines 1-4 and 21-28, at Fig. 2A, elements 214 and 220, at Fig. 3, elements 300, 315, and 320, and at Fig. 5, elements 505 and 510;

means for adding at least one reciprocal tag to the first page based on the edit reciprocal link option and the selected section of the first page, wherein a first link to a reciprocal site is in the selected section, and wherein the at least one reciprocal tag identifies

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the selected section that includes the first link, which is described, for example, in the specification at page 10, last partial paragraph, lines 17-27, at page 11, second, third, and fourth full paragraphs, lines 6-22, at page 12, last full paragraph, lines 21-28, at page 13, first and second full paragraphs, lines 1-14, at Fig. 2A, elements 130, 214 and 220, at Fig. 2B, elements 128, 130, 260-1, and 260-2, and at Fig. 5, elements 505, 510, 515, 520, and 525;

means for finding the at least one reciprocal tag in the first page, which is described, for example, in the specification at page 13, last partial paragraph, lines 22-27, and at Fig. 6, element 615;

means for finding a reciprocal page based on the at least one reciprocal tag, wherein the reciprocal page is at the reciprocal site, wherein the finding further comprises finding a record based on the reciprocal tag that identifies the reciprocal page, which is described, for example, in the specification at page 8, first full paragraph, lines 5-15, at page 11, last full paragraph, lines 19-22, at page 12, first and second full paragraphs, lines 1-13, at page 13, last partial paragraph, lines 22-27, at page 14, first partial paragraph, and first, second, and third full paragraphs, lines 1-15, at Fig. 1, elements 127, 160, and 162, at Fig. 2C, elements 162 and 164, at Fig. 4, elements 405, 410, 420, and 422, and at Fig. 6, elements 615, 625, 630, 635, 640, and 645;

means for determining whether a reciprocal link exists in the reciprocal page to the first page, which is described, for example, in the specification at page 13, last partial paragraph, lines 22-27, at page 14, first partial paragraph, first full paragraph, second full paragraph, and third full paragraph, lines 1-15, at Fig. 6, elements 625, 630, and 635; and

means for determining an action based on a user-interface option if the reciprocal link does not exist, which is described, for example, in the specification at page 11, last partial paragraph, lines 23-28, at page 12, first partial paragraph, lines 1-4, at page 13, last partial paragraph, lines 22-27, at page 14, first partial paragraph, first full paragraph, second full paragraph, and third full paragraph, lines 1-15, at page 15, first, second, and third full paragraphs, lines 5-20, at Fig. 3, elements 300, 305, 310, and 315, at Fig. 6, elements 625, 630, 635, and 640; and at Fig. 7, elements 710, 720, 725, 730, and 735.

With reference to claim 7, an embodiment of the invention comprises: means for issuing a warning if the reciprocal link does not exist, which is described, for example, in the

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specification at page 13, last partial paragraph, lines 22-27, at page 14, first partial paragraph, first full paragraph, second full paragraph, third full paragraph, fourth full paragraph, fifth full paragraph, and last partial paragraph, lines 1-27, at page 15, third full paragraph, lines 13-20, at Fig. 6, elements 625, 630, 635, and 640; and at Fig. 7, elements 710, 730, and 735.

With reference to claim 8, an embodiment of the invention comprises: means for removing the first link from the first page if the reciprocal link does not exist, which is described, for example, in the specification at page 13, last partial paragraph, lines 22-27, at page 14, first partial paragraph, first full paragraph, second full paragraph, third full paragraph, last full paragraph, and last partial paragraph, lines 1-15 and 21-27, at page 15, first full paragraph, lines 5-9, at Fig. 6, elements 625, 630, 635, and 640; and at Fig. 7, elements 710 and 720.

With reference to claim 9, an embodiment of the invention comprises: means for removing the first link from the first page if the reciprocal link does not exist and a number of times the reciprocal link has not existed exceeds a threshold, which is described, for example, in the specification at page 13, last partial paragraph, lines 22-27, at page 14, first partial paragraph, first full paragraph, second full paragraph, third full paragraph, last full paragraph, and last partial paragraph, lines 1-15 and 21-27, at page 15, first partial paragraph and first full paragraph, lines 1-9, at Fig. 6, elements 625, 630, 635, and 640; and at Fig. 7, elements 710, 715, and 720.

With reference to claim 11, an embodiment of the invention comprises a storage medium encoded with instructions, which is described, for example, in the specification at page 5, first full paragraph and second full paragraph, lines 3-25, at page 6, first partial paragraph, lines 1-12, at page 9, first full paragraph, second full paragraph, and third full paragraph, lines 9-27, at page 10, first and third full paragraphs, lines 1-2 and 6-8, and at Fig. 1, elements 115 and 126.

With further reference to claim 11, the instructions when executed comprise:

receiving an edit reciprocal link option and a selected section of a first page from a user interface, which is described, for example, in the specification at page 6, last full paragraph, lines 21-27, at page 7, first full paragraph, lines 1-11, at page 10, last partial paragraph, lines 17-27, at page 11, last partial paragraph, lines 23-28, at page 12, first partial

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paragraph and last full paragraph, lines 1-4 and 21-28, at Fig. 2A, elements 214 and 220, at Fig. 3, elements 300, 315, and 320, and at Fig. 5, elements 505 and 510;

adding at least one reciprocal tag to the first page based on the edit reciprocal link option and the selected section of the first page, wherein a first link to a reciprocal site is in the selected section, and wherein the at least one reciprocal tag identifies the selected section that includes the first link, which is described, for example, in the specification at page 10, last partial paragraph, lines 17-27, at page 11, second, third, and fourth full paragraphs, lines 6-22, at page 12, last full paragraph, lines 21-28, at page 13, first and second full paragraphs, lines 1-14, at Fig. 2A, elements 130, 214 and 220, at Fig. 2B, elements 128, 130, 260-1, and 260-2, and at Fig. 5, elements 505, 510, 515, 520, and 525;

finding the at least one reciprocal tag in the first page, which is described, for example, in the specification at page 13, last partial paragraph, lines 22-27, and at Fig. 6, element 615;

finding a reciprocal page based on the at least one reciprocal tag, wherein the reciprocal page is at the reciprocal site, wherein the finding further comprises finding a record based on the reciprocal tag that identifies the reciprocal page, which is described, for example, in the specification at page 8, first full paragraph, lines 5-15, at page 11, last full paragraph, lines 19-22, at page 12, first and second full paragraphs, lines 1-13, at page 13, last partial paragraph, lines 22-27, at page 14, first partial paragraph, and first, second, and third full paragraphs, lines 1-15, at Fig. 1, elements 127, 160, and 162, at Fig. 2C, elements 162 and 164, at Fig. 4, elements 405, 410, 420, and 422, and at Fig. 6, elements 615, 625, 630, 635, 640, and 645;

determining whether a reciprocal link exists in the reciprocal page to the first page, which is described, for example, in the specification at page 13, last partial paragraph, lines 22-27, at page 14, first partial paragraph, first full paragraph, second full paragraph, and third full paragraph, lines 1-15, at Fig. 6, elements 625, 630, and 635; and

determining an action based on a user-interface option if the reciprocal link does not exist, which is described, for example, in the specification at page 11, last partial paragraph, lines 23-28, at page 12, first partial paragraph, lines 1-4, at page 13, last partial paragraph, lines 22-27, at page 14, first partial paragraph, first full paragraph, second full paragraph, and

third full paragraph, lines 1-15, at page 15, first, second, and third full paragraphs, lines 5-20, at Fig. 3, elements 300, 305, 310, and 315, at Fig. 6, elements 625, 630, 635, and 640; and at Fig. 7, elements 710, 720, 725, 730, and 735.

With reference to claim 12, an embodiment of the invention comprises: issuing a warning if the reciprocal link does not exist, which is described, for example, in the specification at page 13, last partial paragraph, lines 22-27, at page 14, first partial paragraph, first full paragraph, second full paragraph, third full paragraph, fourth full paragraph, fifth full paragraph, and last partial paragraph, lines 1-27, at page 15, third full paragraph, lines 13-20, at Fig. 6, elements 625, 630, 635, and 640; and at Fig. 7, elements 710, 730, and 735.

With reference to claim 13, an embodiment of the invention comprises: removing the first link from the first page if the reciprocal link does not exist, which is described, for example, in the specification at page 13, last partial paragraph, lines 22-27, at page 14, first partial paragraph, first full paragraph, second full paragraph, third full paragraph, last full paragraph, and last partial paragraph, lines 1-15 and 21-27, at page 15, first full paragraph, lines 5-9, at Fig. 6, elements 625, 630, 635, and 640; and at Fig. 7, elements 710 and 720.

With reference to claim 14, an embodiment of the invention comprises: removing the first link from the first page if the reciprocal link does not exist and a number of times the reciprocal link has not existed exceeds a threshold, which is described, for example, in the specification at page 13, last partial paragraph, lines 22-27, at page 14, first partial paragraph, first full paragraph, second full paragraph, third full paragraph, last full paragraph, and last partial paragraph, lines 1-15 and 21-27, at page 15, first partial paragraph and first full paragraph, lines 1-9, at Fig. 6, elements 625, 630, 635, and 640; and at Fig. 7, elements 710, 715, and 720.

With reference to claim 15, an embodiment of the invention comprises: removing the first link from the first page if the reciprocal link does not exist and a length of time that the reciprocal link has not existed exceeds a threshold, which is described, for example, in the specification at page 13, last partial paragraph, lines 22-27, at page 14, first partial paragraph, first full paragraph, second full paragraph, third full paragraph, last full paragraph, and last partial paragraph, lines 1-15 and 21-27, at page 15, first partial paragraph and first full

paragraph, lines 1-9, at Fig. 6, elements 625, 630, 635, and 640; and at Fig. 7, elements 710, 715, and 720.

With reference to claim 16, an embodiment of the invention comprises a server, which is described, for example, in the specification at page 4, first full paragraph and second full paragraph, lines 3-16, at page 7, last partial paragraph, lines 24-29, at page 8, first partial paragraph and first full paragraph, lines 1-15, and at Fig. 1, elements 102 and 104.

With further reference to claim 16, in an embodiment, the server comprises a processor, which is described, for example, in the specification at page 4, first and second full paragraphs and last partial paragraph, lines 3-27, at page 5, first partial paragraph, lines 1-2, and at Fig. 1, elements 102 and 110.

With further reference to claim 16, in an embodiment, the server comprises a storage device encoded with instructions, which is described, for example, in the specification at page 5, first full paragraph and second full paragraph, lines 3-25, at page 6, first partial paragraph, lines 1-12, at page 9, first full paragraph, second full paragraph, and third full paragraph, lines 9-27, at page 10, first and third full paragraphs, lines 1-2 and 6-8, and at Fig. 1, elements 115 and 126.

With further reference to claim 16, the instructions when executed on the processor comprise:

receiving an edit reciprocal link option and a selected section of a first page from a user interface, which is described, for example, in the specification at page 6, last full paragraph, lines 21-27, at page 7, first full paragraph, lines 1-11, at page 10, last partial paragraph, lines 17-27, at page 11, last partial paragraph, lines 23-28, at page 12, first partial paragraph and last full paragraph, lines 1-4 and 21-28, at Fig. 2A, elements 214 and 220, at Fig. 3, elements 300, 315, and 320, and at Fig. 5, elements 505 and 510,

adding at least one reciprocal tag to the first page based on the edit reciprocal link option and the selected section of the first page, wherein a first link to a reciprocal site is in the selected section, and wherein the at least one reciprocal tag identifies the selected section that includes the first link, which is described, for example, in the specification at page 10, last partial paragraph, lines 17-27, at page 11, second, third, and fourth full paragraphs, lines 6-22, at page 12, last full paragraph, lines 21-28, at page 13, first and second full paragraphs,

lines 1-14, at Fig. 2A, elements 130, 214 and 220, at Fig. 2B, elements 128, 130, 260-1, and 260-2, and at Fig. 5, elements 505, 510, 515, 520, and 525,

finding the at least one reciprocal tag in the first page, which is described, for example, in the specification at page 13, last partial paragraph, lines 22-27, and at Fig. 6, element 615,

finding a reciprocal page based on the at least one reciprocal tag, wherein the reciprocal page is at the reciprocal site, wherein the finding further comprises finding a record based on the reciprocal tag that identifies the reciprocal page, which is described, for example, in the specification at page 8, first full paragraph, lines 5-15, at page 11, last full paragraph, lines 19-22, at page 12, first and second full paragraphs, lines 1-13, at page 13, last partial paragraph, lines 22-27, at page 14, first partial paragraph, and first, second, and third full paragraphs, lines 1-15, at Fig. 1, elements 127, 160, and 162, at Fig. 2C, elements 162 and 164, at Fig. 4, elements 405, 410, 420, and 422, and at Fig. 6, elements 615, 625, 630, 635, 640, and 645,

determining whether a reciprocal link exists in the reciprocal page to the first page, which is described, for example, in the specification at page 13, last partial paragraph, lines 22-27, at page 14, first partial paragraph, first full paragraph, second full paragraph, and third full paragraph, lines 1-15, at Fig. 6, elements 625, 630, and 635, and

if the reciprocal link does not exist, determining an action based on a user-interface option, which is described, for example, in the specification at page 11, last partial paragraph, lines 23-28, at page 12, first partial paragraph, lines 1-4, at page 13, last partial paragraph, lines 22-27, at page 14, first partial paragraph, first full paragraph, second full paragraph, and third full paragraph, lines 1-15, at page 15, first, second, and third full paragraphs, lines 5-20, at Fig. 3, elements 300, 305, 310, and 315, at Fig. 6, elements 625, 630, 635, and 640; and at Fig. 7, elements 710, 720, 725, 730, and 735.

With reference to claim 17, in an embodiment of the invention, the action further comprises: issuing a warning if the reciprocal link does not exist, which is described, for example, in the specification at page 13, last partial paragraph, lines 22-27, at page 14, first partial paragraph, first full paragraph, second full paragraph, third full paragraph, fourth full paragraph, fifth full paragraph, and last partial paragraph, lines 1-27, at page 15, third full

paragraph, lines 13-20, at Fig. 6, elements 625, 630, 635, and 640; and at Fig. 7, elements 710, 730, and 735.

With reference to claim 18, in an embodiment of the invention, the action further comprises: removing the first link from the first page if the reciprocal link does not exist, which is described, for example, in the specification at page 13, last partial paragraph, lines 22-27, at page 14, first partial paragraph, first full paragraph, second full paragraph, third full paragraph, last full paragraph, and last partial paragraph, lines 1-15 and 21-27, at page 15, first full paragraph, lines 5-9, at Fig. 6, elements 625, 630, 635, and 640; and at Fig. 7, elements 710 and 720.

With reference to claim 19, in an embodiment of the invention, the action further comprises: removing the first link from the first page if the reciprocal link does not exist and a number of times the reciprocal link has not existed exceeds a threshold, which is described, for example, in the specification at page 13, last partial paragraph, lines 22-27, at page 14, first partial paragraph, first full paragraph, second full paragraph, third full paragraph, last full paragraph, and last partial paragraph, lines 1-15 and 21-27, at page 15, first partial paragraph and first full paragraph, lines 1-9, at Fig. 6, elements 625, 630, 635, and 640; and at Fig. 7, elements 710, 715, and 720.

With reference to claim 20, in an embodiment of the invention, the action further comprises: removing the first link from the first page if the reciprocal link does not exist and a length of time that the reciprocal link has not existed exceeds a threshold, which is described, for example, in the specification at page 13, last partial paragraph, lines 22-27, at page 14, first partial paragraph, first full paragraph, second full paragraph, third full paragraph, last full paragraph, and last partial paragraph, lines 1-15 and 21-27, at page 15, first partial paragraph and first full paragraph, lines 1-9, at Fig. 6, elements 625, 630, 635, and 640; and at Fig. 7, elements 710, 715, and 720.

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6. Grounds of Rejection to be Reviewed on Appeal

1. Whether claims 1-3, 6-9, and 11-20 are unpatentable under 35 U.S.C. 103(a) as obvious over Axandra, et al. "Arelis Online User Guide," May 2003, hereinafter "Axandra," in view of Goodisman, et al. (U.S. Publication No. 2002/0083093), hereinafter "Goodisman."

7. Argument

A) The Applicable Law

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *In re Dillon* 919 F.2d 688, 16 USPQ 2d 1897, 1908 (Fed. Cir. 1990) (en banc), cert. denied, 500 U.S. 904 (1991). It is not enough, however, that the prior art reference discloses all the claimed elements in isolation. Rather, “[a]nticipation requires the presence in a single prior reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added). “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); MPEP § 2131.

The Examiner has the burden under 35 U.S.C. § 103 to establish a *prima facie* case of obviousness. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). To do that the Examiner must show that some objective teaching in the prior art or some knowledge generally available to one of ordinary skill in the art would lead an individual to combine the relevant teaching of the references. *Id.*

The *Fine* court stated that:

Obviousness is tested by "what the combined teaching of the references would have suggested to those of ordinary skill in the art." *In re Keller*, 642 F.2d 413, 425, 208 USPQ 871, 878 (CCPA 1981). But it "cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination." *ACS Hosp. Sys.*, 732 F.2d at 1577, 221 USPQ at 933. And "teachings of references can be combined *only* if there is some suggestion or incentive to do so." *Id.* (emphasis in original).

The M.P.E.P. adopts this line of reasoning, stating that

In order for the Examiner to establish a *prima facie* case of obviousness, three base criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation

of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *M.P.E.P. § 2142* (citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir. 1991)).

An invention can be obvious even though the suggestion to combine prior art teachings is not found in a specific reference. *In re Oetiker*, 24 USPQ2d 1443 (Fed. Cir. 1992). At the same time, however, although it is not necessary that the cited references or prior art specifically suggest making the combination, there must be some teaching somewhere which provides the suggestion or motivation to combine prior art teachings and applies that combination to solve the same or similar problem which the claimed invention addresses. One of ordinary skill in the art will be presumed to know of any such teaching. (See, e.g., *In re Nilssen*, 851 F.2d 1401, 1403, 7 USPQ2d 1500, 1502 (Fed. Cir. 1988) and *In re Wood*, 599 F.2d 1032, 1037, 202 USPQ 171, 174 (CCPA 1979)).

A factor cutting against a finding of motivation to combine or modify the prior art is when the prior art teaches away from the claimed combination. A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path the applicant took. *In re Gurley*, 27 F.3d 551, 31 USPQ 2d 1130, 1131 (Fed. Cir. 1994); *United States v. Adams*, 383 U.S. 39, 52, 148 USPQ 479, 484 (1966); *In re Sponnoble*, 405 F.2d 578, 587, 160 USPQ 237, 244 (C.C.P.A. 1969); *In re Caldwell*, 319 F.2d 254, 256, 138 USPQ 243, 245 (C.C.P.A. 1963).

The test for obviousness under § 103 must take into consideration the invention as a whole; that is, one must consider the particular problem solved by the combination of elements that define the invention. *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1143, 227 USPQ 543, 551 (Fed. Cir. 1985). Furthermore, claims must be interpreted in light of the specification, claim language, other claims and prosecution history. *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561, 1568, 1 USPQ2d 1593, 1597 (Fed. Cir. 1987), *cert. denied*, 481 U.S. 1052 (1987). At the same time, a prior patent cited as a § 103 reference must be considered in its entirety, "i.e. as a *whole*, including portions that lead away from the invention." *Id.* That is, the Examiner must, as one of the inquiries pertinent to any

obviousness inquiry under 35 U.S.C. § 103, recognize and consider not only the similarities but also the critical differences between the claimed invention and the prior art. *In re Bond*, 910 F.2d 831, 834, 15 USPQ2d 1566, 1568 (Fed. Cir. 1990), *reh'g denied*, 1990 U.S. App. LEXIS 19971 (Fed. Cir. 1990). Finally, the Examiner must avoid hindsight. *Id.*

As explained in M.P.E.P. § 2112, the express, implicit, and inherent disclosures of a prior art reference may be relied upon in the rejection of claims under 35 U.S.C. 102 or 103. But, the fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993). Further, "[i]n relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original).

B) Discussion of the Rejections

1. Claims 1-3, 6-9, and 11-20 are rejected under 35 U.S.C. 103(a) as obvious over Axandra et al. "Arelis Online User Guide," May 2003, hereinafter "Axandra," in view of Goodisman, et al. (U.S. Publication No. 2002/0083093), hereinafter "Goodisman."

Claims 1-3, 6-9, and 11-20

Appellant respectfully submits that claims 1-3, 6-9, and 11-20 are patentable over Axandra and Goodisman because all of the elements of claims 1-3, 6-9, and 11-20 are not taught or suggested by Axandra and Goodisman, for the reasons argued below.

Claim 1 recites: "adding at least one reciprocal tag to the first page based on the edit reciprocal link option and the selected section of the first page, wherein a first link to a reciprocal site is in the selected section, and wherein the at least one reciprocal tag identifies the selected section that includes the first link."

For the "reciprocal tag" of claim 1, the Examiner relies on the Axandra keyword "##LINKS##" in a "dummy web page" that has the body text of a "Web page" removed, "so that only the navigation elements remain," as described on page 78 of Axandra. The

Axandra keyword “##LINKS##” does not “[identify] the selected section,” as recited in claim 1, and Axandra “dummy web page” never includes “a first link to a reciprocal site,” as recited in claim 1. Instead, the Axandra keyword “##LINKS##” is at a location in the “dummy web page” that represents a location in a “link page,” which Axandra will later create and later add links to, as described in Axandra at page 78 and 87. (Axandra uses its “dummy web page” to create a “link page template,” which Axandra uses to add links to the “link page,” as described in Axandra at pages 78 and 87.) The only relationship of the Axandra “link page” to the Axandra “Web page” is that they share the same design layout of “navigation elements,” as defined by the “link page template,” which is described in Axandra at pages 87, 118, and 122.) Thus, “a first link to a reciprocal site,” as recited in claim 1, is never in the Axandra “dummy web page,” so Axandra does not teach or suggest “adding at least one reciprocal tag to the first page based on the edit reciprocal link option and the selected section of the first page, wherein a first link to a reciprocal site is in the selected section,” as recited in claim 1.

The Examiner admits that “Axandra does not expressly teach: Adding a reciprocal tag to the page.” The Examiner, instead, argues that Goodisman describes “tag adding operations” and “putting a specific tag into a document for linking purposes,” and relies on Goodisman at [0060], [0061], and [0065]. Even assuming, arguendo, that Goodisman describes “tag adding operations” and “putting a specific tag into a document for linking purposes,” that does not overcome the deficiencies of Axandra, as previously argued above, and does not teach or suggest “adding at least one reciprocal tag to the first page based on the edit reciprocal link option and the selected section of the first page, wherein a first link to a reciprocal site is in the selected section, and wherein the at least one reciprocal tag identifies the selected section that includes the first link,” as recited in claim 1. Further Goodisman at [0060], [0061], and [0065] describes a “linkified document 14,” where “objects in the document … can be linked,” and “the association between objects can be represented as a hypertext link,” none of which teaches or suggests “adding at least one reciprocal tag to the first page based on the edit reciprocal link option and the selected section of the first page, wherein a first link to a reciprocal site is in the selected section, and wherein the at least one reciprocal tag identifies the selected section that includes the first link,” as recited in claim 1. Thus, Axandra and Goodisman do not teach or suggest all elements of claim 1.

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Claims 6, 11, and 16 include similar elements are argued above for claim 1 and are patentable over Axandra and Goodisman for similar reasons as argued above. Claims 2-3, 7-9, 12-15, and 17-20 are dependent on claims 1, 6, 11, and 16, respectively, and are patentable for the reasons argued above, plus the elements in the claims.

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Conclusion

Appellant respectfully requests reversal of the above rejections. If the Board is of the opinion that any rejected claim may be allowable in amended form, then appellant also respectfully requests a statement to that effect.

Respectfully submitted,

Cary L. Bates, et al.
By their Representative,

Date December 10, 2007

By

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Name Owen J. Gamon

Signature Owen J. Gamon

8. CLAIMS APPENDIX

1. A method comprising:

receiving an edit reciprocal link option and a selected section of a first page from a user interface;

adding at least one reciprocal tag to the first page based on the edit reciprocal link option and the selected section of the first page, wherein a first link to a reciprocal site is in the selected section, and wherein the at least one reciprocal tag identifies the selected section that includes the first link;

finding the at least one reciprocal tag in the first page;

finding a reciprocal page based on the at least one reciprocal tag, wherein the reciprocal page is at the reciprocal site, wherein the finding further comprises finding a record based on the reciprocal tag that identifies the reciprocal page;

determining whether a reciprocal link exists in the reciprocal page to the first page; and

if the reciprocal link does not exist, determining an action based on a user-interface option.

2. The method of claim 1, further comprising:

if the reciprocal link does not exist, issuing a warning.

3. The method of claim 1, further comprising:

if the reciprocal link does not exist, removing the first link from the first page.

6. An apparatus comprising:

means for receiving an edit reciprocal link option and a selected section of a first page from a user interface;

means for adding at least one reciprocal tag to the first page based on the edit reciprocal link option and the selected section of the first page, wherein a first link to a reciprocal site is in the selected section, and wherein the at least one reciprocal tag identifies the selected section that includes the first link;

means for finding the at least one reciprocal tag in the first page;

means for finding a reciprocal page based on the at least one reciprocal tag, wherein the reciprocal page is at the reciprocal site, wherein the finding further comprises finding a record based on the reciprocal tag that identifies the reciprocal page;

means for determining whether a reciprocal link exists in the reciprocal page to the first page; and

means for determining an action based on a user-interface option if the reciprocal link does not exist.

7. The apparatus of claim 6, further comprising:

means for issuing a warning if the reciprocal link does not exist.

8. The apparatus of claim 6, further comprising:

means for removing the first link from the first page if the reciprocal link does not exist.

9. The apparatus of claim 6, further comprising:

means for removing the first link from the first page if the reciprocal link does not exist and a number of times the reciprocal link has not existed exceeds a threshold.

11. A storage medium encoded with instructions, wherein the instructions when executed comprise:

receiving an edit reciprocal link option and a selected section of a first page from a user interface;

adding at least one reciprocal tag to the first page based on the edit reciprocal link option and the selected section of the first page, wherein a first link to a reciprocal site is in the selected section, and wherein the at least one reciprocal tag identifies the selected section that includes the first link;

finding the at least one reciprocal tag in the first page;

finding a reciprocal page based on the at least one reciprocal tag, wherein the reciprocal page is at the reciprocal site, wherein the finding further comprises finding a record based on the reciprocal tag that identifies the reciprocal page;

determining whether a reciprocal link exists in the reciprocal page to the first page;

and

determining an action based on a user-interface option if the reciprocal link does not exist.

12. The storage medium of claim 11, further comprising:

issuing a warning if the reciprocal link does not exist.

13. The storage medium of claim 11, further comprising:

removing the first link from the first page if the reciprocal link does not exist.

14. The storage medium of claim 11, further comprising:

removing the first link from the first page if the reciprocal link does not exist and a number of times the reciprocal link has not existed exceeds a threshold.

15. The storage medium of claim 11, further comprising:

removing the first link from the first page if the reciprocal link does not exist and a length of time that the reciprocal link has not existed exceeds a threshold.

16. A server comprising:

a processor; and

a storage device encoded with instructions, wherein the instructions when executed on the processor comprise:

receiving an edit reciprocal link option and a selected section of a first page from a user interface,

adding at least one reciprocal tag to the first page based on the edit reciprocal link option and the selected section of the first page, wherein a first link to a reciprocal site is in the selected section, and wherein the at least one reciprocal tag identifies the selected section that includes the first link,

finding the at least one reciprocal tag in the first page,

finding a reciprocal page based on the at least one reciprocal tag, wherein the reciprocal page is at the reciprocal site, wherein the finding further comprises finding a record based on the reciprocal tag that identifies the reciprocal page, determining whether a reciprocal link exists in the reciprocal page to the first page, and

if the reciprocal link does not exist, determining an action based on a user-interface option.

17. The server of claim 16, wherein the action further comprises:

issuing a warning if the reciprocal link does not exist.

18. The server of claim 16, wherein the action further comprises:

removing the first link from the first page if the reciprocal link does not exist.

19. The server of claim 16, wherein the action further comprises:

removing the first link from the first page if the reciprocal link does not exist and a number of times the reciprocal link has not existed exceeds a threshold.

20. The server of claim 16, wherein the action further comprises:

removing the first link from the first page if the reciprocal link does not exist and a length of time that the reciprocal link has not existed exceeds a threshold.

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9. EVIDENCE APPENDIX

None.

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10. RELATED PROCEEDINGS APPENDIX

None.